THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :9829 of 2007

DATED:01-05-2007

BETWEEN:

Kanthi Narahari.

.....
PETITIONER

AND

The State of Andhra Pradesh,
Rep., by its Secretary to Government,
Home (Police) Department,
Secretariat Buildings,
Hyderabad & 4 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not registering the case in pursuance of the complaint made by the petitioner, dated 11-12-2006, before the 5th respondent, and the representation, dated 26-02-2007, before the 2nd respondent, as illegal and arbitrary.

3. It is the case of the petitioner that his Accent car bearing No.AP11R-3027 met with an accident with the Maruthi Van bearing No.AP-09-AU-6395 due to the rash and negligent driving of the driver of the said Maruthi van and in that regard petitioner made a written complaint before the 5th respondent-Station House Officer, Malakpet on 11-12-2006 to register a case and as the case was not registered he made a representation before the 2nd respondent-Commissioner of Police, Hyderabad on 26-02-2007 but *in spite* of making a representation before the 2nd respondent no case has been registered against the driver of the Maruthi Van so far. Hence, present Writ Petition.

4. If the concerned Station House Officer refused to register a case it is open for the petitioner to make a representation before the superior officer i.e., the 2nd respondent-Commissioner of Police and if any such representation is filed it is for the Commissioner of Police either to register a case or direct any concerned officer to register the case and investigate the same. As the said representation of the petitioner is pending before the Commissioner of Police, I am of the opinion that it is just and proper to direct the 2nd respondent to consider and dispose of the representation of the petitioner.

5. Having regard to the facts and circumstances of the case, Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated
26-02-2007, of the petitioner and communicate the action taken on the said representation to the petitioner also. No order as to costs.

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V.ESWARAIAH,J

01st May, 2007.
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